

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRITTANY E. MARTIN,

Plaintiff,

Case No.: 1:24-cv-00072

v.

HON. Hala Y. Jarbou

**HENN LESPERANCE PLC,
KEVIN LESPERANCE,
MALGORZATA (“GOSIA”) WALKER,
ROY H. JOHNSON,
DOES 1-5,**

Defendants.

**PLAINTIFF’S BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE REPLY TO
DEFENDANTS’ RESPONSE IN OPPOSITION TO PLAINTIFF’S APPEAL OF
MAGISTRATE JUDGE’S ORDER**

Under W.D. Mich. LCivR 7.3(c), “a party may only file a reply brief with leave of court”. Ms. Martin should be granted leave to file a Reply to Defendants' Response in Opposition to Plaintiff’s Appeal of the Magistrate Judge’s Order (ECF No. 39) to allow her the opportunity to:

- (1) address the highly prejudicial and procedurally improper maneuvers that seek extreme and excessive relief;
- (2) address and correct the false statements, misrepresentations, and inaccuracies of fact and law contained in Defendants’ Response; and
- (3) address and respond to the new factual assertions and arguments Defendants’ raised in their Response.

I. Defendants falsely quoted Ms. Martin and deliberately misrepresented her statements to mislead the Court and support their bad faith arguments.

Ms. Martin can easily disprove and correct the false quotes attributed to her by Defendants in their Response, as clear and unmistakable video evidence with captions verifies her actual statements, and she should be granted the opportunity to do so.

II. Defendants are improperly and prejudicially using their Response in Opposition to Plaintiff's Appeal of Magistrate Judge's Order as a mouthpiece to advance dispositive arguments on substantive merits of the case and seeking extreme and excessive relief from the Court.

- A. Defendants argue and request that their pending Motion to Dismiss be decided "before Plaintiff has the opportunity to file an amended complaint" "if even warranted".
- B. Defendants argue and request that the Court preemptively require Ms. Martin to file any future or further amendments under seal.
- C. Defendants argue and request that the Court strike Ms. Martin's Amended Complaint under Rule 12(f).
- D. Defendants argue and request that the Court strike Ms. Martin's Amended Complaint under Rule 8.
- E. Defendants argue and request that the Court should sanction Ms. Martin under Rule 11.
- F. Defendants argue and request that if the Court finds Plaintiff entitled to any amendments, the Court only allow her "the narrow opportunity to amend".

To pervert a response in opposition to an opposing party's appeal of a magistrate judge's non dispositive order into a vehicle to propagate one-sided dispositive arguments knowing that the local court rules do not allow a party to file a reply without leave of the court is imprudent.

The focus should center on whether the magistrate judge's decision was clearly erroneous or contrary to law, not on the substantive merits of the case.

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant her leave to file the attached Reply Brief and any such other and further relief the Court deems just and proper.

Respectfully submitted,

Brittany E. Martin
Plaintiff in Pro Se

Dated: May 22, 2024

By: /s/ Brittany E. Martin
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